

REMARKS

Claims 1-4, 6-17 and 19-36 are pending. New Claims 23-36 are added in this Amendment.

Applicants have amended Claims 1 and 14 to change "and" to "or" as a precautionary measure in view of the Federal Circuit's recent decision in SuperGuide Corp. v. DirecTV Enterprises, Inc. et al., 358 F.3d 870 (Fed. Cir. 2004) to clarify that the claims are not limited to a conjunctive list of options. This is a clarifying amendment made solely to avoid any implication that the holding in SuperGuide might somehow be applicable to the claims in the instant application.

Consistent with the Examiner's suggestion in the Advisory Action mailed February 28, 2005, new Claim 28 recites reviewing a scanned page for a selected margin characteristic and determining that that scanned page is not properly aligned if the scanned page does not exhibit the selected margin characteristic. Claim 35 is a computer medium counterpart to method Claim 28. Sturgeon (6466336) and Liu (6735335) do not teach the use of a margin characteristic to determine if a scanned page is properly aligned.

New Claim 23 recites reviewing a scanned page for a selected characteristic and, based on the act of reviewing, determining if the scanned page is properly aligned for scanning. Claim 30 is a computer medium counterpart to method Claim 23. Claim 14 has been amended to recite determining, based on the act of reviewing, if pages of the document are properly aligned for scanning. A similar amendment has been made to Claim 1. Neither Sturgeon nor Liu teach or suggest determining if a scanned page is properly aligned for scanning. Sturgeon's use of page designations to determine inconsistencies in the orientation of pages in a scanned document is irrelevant to the alignment of a page in the scanner, as is the use of the layout attributes mentioned in Liu to determine whether or not scanned pages belong to the same document.

All pending claims are felt to distinguish patentably over the cited references.

Respectfully submitted,



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